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7 **UNITED STATES DISTRICT COURT**

8 **FOR THE DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 JORGE SOTO,
14 Defendant,

15 Case No.: 2:20-cr-00003-APG-EJY

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18 **STIPULATION AND ORDER TO**
CONTINUE EVIDENTIARY HEARING,
CALENDAR CALL, AND JURY TRIAL

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IT IS HEREBY STIPULATED AND AGREED by JORGE SOTO, by and through his attorney, CHRISTOPHER R. ORAM, ESQ., and the United States of America, by and through MS. MELANEE SMITH, Assistant United States Attorney, that the Evidentiary Hearing in the above-captioned matter, currently scheduled for April 13th, 2023, at 9:30 AM, the Calendar Call in the above-captioned matter, currently scheduled for May 2nd, 2023, at 9:00 AM, and the Jury Trial in the above-captioned matter, currently scheduled for May 8th, 2023, at 9:00 AM be vacated and continued to a date and time convenient to the Court, but not earlier than one hundred-twenty (120) days.

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2 This request for a continuance is based upon the following:
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- 5 1. Mr. Soto has not yet been evaluated by the Government's Psychological Expert Witness,
6 nor is a report from the Government's expert expected in time, due to Mr. Soto currently
7 being incarcerated in Arizona.
- 8 2. Additionally, Mr. Soto is currently in custody in Arizona, pending charges unrelated to
9 this matter, and cannot be present at the Evidentiary Hearing, Calendar Call, and Jury
10 Trial.
- 11 3. Both parties agree to withdraw the Motion to Suppress Evidence without prejudice and
12 will refile the above-mentioned motion when the Defendant is transported back to
13 Nevada.
- 14 4. The Government has no objection to the continuance.
- 15 5. Mr. Soto does not object to the continuance.
- 16 6. The additional time requested herein is not sought for purposes of delay.
- 17 7. Additionally, denial of this request for continuance could result in a miscarriage of
18 justice.
- 19 8. The additional time requested by this Stipulation is excludable in computing the time for
20 which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
21 Section 3161(h)(7)(A), considering the factors under 18 U.S.C. Sections 3161(h)(7)(B)(i)
22 and (iv).

23 WHEREFORE, for all the foregoing reasons, the parties request that the Court enter their
24 Stipulation as an Order of the Court.
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1 DATED this 5th day of April, 2023.
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4 Respectfully submitted by,
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7 /s/Melanee Smith, Esq.
8 MELANEE SMITH, ESQ.
9 Assistant United States Attorney
10 501 Las Vegas Blvd. South, Suite 1100
11 Las Vegas, Nevada 89101
12 *Attorney for the United States of America*

13 /s/ Christopher R. Oram, Esq.
14 CHRISTOPHER R. ORAM, ESQ.
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16 520 S. Fourth Street, 2nd Floor
17 Las Vegas, Nevada 89101
18 *Attorney for Jorge Soto*

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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF NEVADA**
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5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

8 JORGE SOTO,

9 Defendant,

Case No.: 2:20-cr-00003-APG-EJY

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11 **ORDER**

12 Based upon the pending Stipulation of the parties, and good cause appearing therefore,
13 the Court finds that:

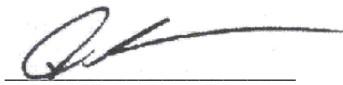
- 14 1. The parties have stipulated to continue the Evidentiary Hearing, Calendar Call, and Jury
15 Trial, as presently scheduled.
- 16 2. This Court, being convinced that adequate showing has been made that were this request
17 for continuance to be denied, the ends of justice would not be served, based on the
18 following:
 - 19 a. Currently, this matter is set for an Evidentiary Hearing, Calendar Call, and Jury
20 Trial before this Court on April 13th, 2023, May 2nd, 2023, and May 8th, 2023,
21 respectively.
 - 22 b. Mr. Soto has not yet been evaluated by the Government's Psychological Expert
23 Witness, nor is a report from the Government's expert expected in time, due to
24 Mr. Soto currently being incarcerated in Arizona.
 - 25 c. Additionally, Mr. Soto is currently in custody in Arizona, pending charges

1 unrelated to this matter, and cannot be present at the Evidentiary Hearing,
2 Calendar Call, and Jury Trial.

- 3
- 4 d. Both parties agree to withdraw the Motion to Suppress Evidence without
5 prejudice and will refile the above-mentioned motion when the Defendant is
6 transported back to Nevada.
- 7 e. The Government has no objection to the continuance.
- 8 f. Mr. Soto does not object to the continuance.
- 9 g. The additional time requested herein is not sought for purposes of delay.
- 10 h. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice.
- 12 i. The additional time requested by this Stipulation is excludable in computing the
13 time for which the trial herein must commence pursuant to the Speedy Trial Act,
14 18 U.S.C. Section 3161(h)(7)(A), considering the factors under 18 U.S.C.
15 Sections 3161(h)(7)(B)(i) and (iv).
- 16 j. For all of the above-stated reasons, the ends of justice would best be served by a
17 continuance of the Evidentiary Hearing, Calendar Call, and Jury Trial, but for a
18 period of not less than one hundred-twenty (120) days from the current dates for
19 Evidentiary Hearing, Calendar Call, and Jury Trial.
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- 22 ORDER
- 23 The stipulation to continue the May 2023 Trial dates is granted.
- 24 Master Trial Scheduling Conference is continued to August 22, 2023, at 10:00 a.m. by video
25 conference. Calendar Call is continued to September 5, 2023, at 9:00 a.m. in Courtroom 6C.
Jury Trial is continued to September 11, 2023, at 9:00 a.m. in Courtroom 6C.

26 IT IS SO ORDERED:

27 Dated: April 6, 2023

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5 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE